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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,809

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Anthony H. Mak

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

LU, CHARLES EDWARD

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,809	<b>Applicant(s)</b> MAK, ANTHONY H.	
	<b>Examiner</b> CHARLES E. LU	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This Action is the First Action on the Merits. Claims 1-16 are pending and rejected.

### ***Drawings***

**2. The drawings are objected to because of the following informalities:**

**In fig. 1, #31, #32, and #66** do not appear to have been described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

#### **3. The disclosure is objected to because of the following informalities:**

The disclosure should contain appropriate headings such as "Background," "Brief Description of the Drawings," etc.

The disclosure should describe all items in the drawings. See above.

The title of the invention is not sufficiently descriptive of the claimed subject matter.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**4. Claims 1-16 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.**

**As to claims 1 and 16**, the claims appear to be drawn to multiple statutory classes. See e.g., claim 16, drawn to a "method, control apparatus, software, or control point" and explicitly referring to claim 1 as a "method, control apparatus, software, or control point."

**Also as to claim 1**, the claim is understood to be software per se. See e.g., claim 16, explicitly referring to claim 1 as a “software.” Software per se is nonstatutory. MPEP 2106.

**Claims 2-16** inherit the deficiencies of claim 1 and fail to cure the deficiencies of claim 1.

**Claims 13-16** are rejected as being software per se. See above. The claimed “control apparatus” and “control point” are reasonably understood to be software per se. See Specification, p. 4, ll. 9-14 (“the functionality...can be implemented in software...”).

The prior art rejection is applied in anticipation of Applicant amending the claims to overcome the 101 rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**As to claims 1-16**, it is unclear whether the claims are drawn to a method, software, control apparatus, or control point.

**As to claim 1**, line 5, “the stored media content objects” lack antecedent basis because the media content objects do not appear to have been previously stored in the claim.

**As to claim 1**, line 11, “the same object” lacks antecedent basis and/or it is unclear as to which objects are to be the same.

**As to claim 1**, line 13, it is unclear as to which object “that object” refers.

**As to claim 1**, line 14, “the stored information” lacks antecedent basis.

**As to claim 1**, line 16, “the object” lacks antecedent basis and/or it is unclear as to which object “the object” refers.

**As to claim 2**, line 3, and **claim 4**, line 3, it is unclear as to which content server “the content server” refers. It is noted that the independent claim requires a plurality of content servers.

**As to claim 10**, line 3, “the title of the object” lacks antecedent basis.

**Claims 2-16** inherit the deficiencies of rejected claim 1.

The broadest reasonable interpretation in light of the specification has been given to the claims. The use of reference characters is to be considered as having no effect on the scope of the claims. MPEP 608.01(m).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 1-2 and 6-16 are rejected under 35 USC 103(a) as being unpatentable over Putterman et al. (US 2004/0088731), hereinafter “Putterman,” in view of Bakalesh et al. (US 7,315,849), hereinafter “Bakalesh.”**

**As to claim 1**, Putterman teaches operating a control point (e.g., a management component of a client, para. 0024, 0032, 0056) to perform searching operations in a network comprising the control point and a plurality of content servers (client queries for media on the network, figs. 1-3, 6-8) for storing a directory of media content objects and descriptive information about the stored media content objects (e.g., various metadata, para. 0035-0037, 0059-0069), the method comprising:

querying the plurality of content servers to retrieve descriptive information about the stored content objects (e.g., obtaining a list of media and metadata from other media servers on the network, para. 0035-0037, 0040, 0046, 0056, 0059-0069);

analysing the retrieved information to determine which content servers store the same object (para. 0037);

storing, for each object, an identifier of a content server storing that object (e.g., identifiers of music tracks within the media space are stored in a database, also see “URL,” para. 0046, 0064, 0025, 0058).

Putterman does not expressly teach an identifier of “each content server storing that (same) object.”

However, for aggregation, Putterman must map each object to at least one content server storing that object in order to retrieve the data from the server (see above and para. 0046, 0064, 0025, 0058).

Bakalash teaches a conventional data structure that maps each object to a list of identified parents of the corresponding object (fig. 11(c)(v)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Putterman, such that a conventional data structure stores the identifiers of each content server storing a particular item. In this combination, each content server is considered a parent of the object (see Bakalash above) because each server is the original location of that object. As such, the claimed subject matter would be implemented. One would have been motivated to make the combination in order to look up sources of an item for later retrieval, as known to one of ordinary skill in the art.

Putterman as applied above further teaches or suggests upon receiving a search request, using the stored information to determine which content servers in the network need to be queried to retrieve further information about the object (see above, this must be performed to retrieve the media for playback, para. 0024, 0059-0069, 0046, 0064, 0025, 0058).

**As to claim 2**, Putterman as applied above further teaches storing, for each object, a local identifier of the object within the content server (para. 0046, 0064).

**As to claim 6**, Putterman as applied above further teaches or suggests updating the stored information according to the availability of servers in the network (e.g., a new server joins the network and is discovered, and its media is extracted for aggregation, para. 0034, 0053, 0036, also see above in Putterman).



**As to claim 7**, Putterman and Bakalash as applied above teach aggregating media from server(s) entering the network by extracting data from those server(s), as discussed above in Putterman, and further teach removing a server from the network (see Putterman, para. 0034, “server exiting the home network”), but do not expressly teach deleting the stored information.

However, the stored information should be deleted; when a media server is removed, the items on the server, from the viewpoint of the client, should no longer be available. Furthermore, Putterman teaches the concept of deleting an audio track that was previously extracted (para. 0068).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Putterman and Bakalash, such that the extracted and stored information is deleted when a content server is removed from the network. The motivation would have been to ensure that the aggregated list of media (see above) contains valid data, as known to one of ordinary skill in the art.

**As to claim 8**, Putterman as applied above further teaches determining when a new content server joins the network and performing the steps of querying, analysing and storing for the new server (e.g., para. 0034, 0053, 0036, also see above).

**As to claims 9 and 10**, Putterman as applied above further teaches wherein the descriptive information includes classification information, and the step of analysing the retrieved information uses the classification information to determine which content servers store the same object (e.g., para. 0037), and uses the title of the object to

determine which content servers store the same object (e.g., “Media Item 12” is the name/title of the object in fig. 3).

**As to claim 11**, Putterman as applied above further teaches wherein the steps of querying, analysing and storing are performed as part of a user-requested search (e.g., para. 0056, 0058, 0065-0067, 0024).

**As to claim 12**, Putterman as applied above further teaches wherein the step of storing stores information at the control point (e.g., para. 0036, 0064).

**Claims 13-15** are rejected based on the same reasoning as claim 1.

**As to claim 16**, Putterman as applied above further teaches or suggests wherein the control point is a Universal Plug and Play (UPnP) Control Point and the content servers are UPnP Media Server devices (e.g., para. 0045, note that the Media Convergence Platform supports the UPnP protocol).

**7. Claims 3-5 are rejected under 35 USC 103(a) as being unpatentable over Putterman, in view of Bakalesh, and further in view of Acree et al. (US 2004/0078393), hereinafter “Acree.”**

**As to claims 3-5**, Putterman and Bakalesh as applied above teach storing a local identifier of content servers that do store objects, as discussed above, but do not expressly teach storing, for each object, a special, negative identifier of each content server which does not store that object.

However, Acree teaches a conventional data structure storing a special negative identifier when a record has been deleted (fig. 4, para. 0027-0028).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Putterman and Bakalesh, such that when a content server no longer stores an object (e.g., the item is deleted), a negative identifier for the content server would be stored indicating that the record has been deleted from that server (a deleted item is no longer stored on the server). Thus, the combination would teach or suggest storing a special negative identifier of each content server which does not store the object, as claimed. The motivation would have been to track deleted records since the last synchronization, and to allow for mapping back to the identifier for the record without requiring additional fields or change logs to identify deleted records, as taught by Acree (para. 0020, 0009, and 0027).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached at (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Charles E Lu/  
Examiner, Art Unit 2161  
8/23/2008

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161